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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JAMES DALTON BELL,

12 Petitioner,

13 v.

14 USA, et al.,

15 Respondents.

Civil No. 07cv2259-BEN (AJB)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

16 Petitioner, a federal prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus
17 pursuant to 28 U.S.C. § 2241, but has failed to pay the \$5.00 filing fee and has failed to move to proceed
18 in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing
19 fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See
20 Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no**
21 **later than January 22, 2008**, a copy of this Order with the \$5.00 fee or with adequate proof of his
22 inability to pay the fee. The Clerk of Court shall send a blank Southern District of California In Forma
23 Pauperis Application to Petitioner along with a copy of this Order.

24 IT IS SO ORDERED.

25 DATED: December 4, 2007

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28 Hon. Roger T. Benitez
United States District Judge